




U.S. Department of Justice  **ORIGINAL**

United States Attorney
Southern District of New York

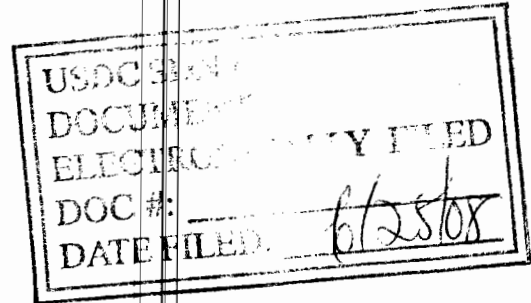
86 Chambers Street, 3rd Floor
New York, New York 10007

June 24, 2008

MEMO ENCLOSED

BY HAND

Honorable John E. Sprizzo
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1350
New York, New York 10007



Re: Kolesnikov v. Quarantillo
08 Civ. 3287 (JES)

Dear Judge Sprizzo:

I am writing to provide the Court with an update regarding the status of this case, which was originally scheduled for a pre-trial conference today. Last Friday, I received a phone call from Chambers advising me that the conference had been adjourned until October 2, 2008, and requesting that the parties confer regarding a discovery schedule before that date. As I stated at the time, it appears that this mandamus action has become moot, because the United States Citizenship and Immigration Services ("CIS") has now granted the application of plaintiff Vladimir Kolesnikov ("plaintiff" or "Kolesnikov") to become a lawful permanent resident ("LPR") of the United States.

When I spoke with plaintiff's counsel, Jacqueline Meyer, she confirmed that Kolesnikov had received a stamp in his passport as temporary evidence of his LPR status, but stated that he had not yet received his permanent resident card. We agreed that we would enter into a stipulation of dismissal as soon as Kolesnikov receives his card. The Government anticipates that Kolesnikov will receive the card in the very near future, but cannot, however, guarantee that he will receive it by June 30, 2008 – the date the Government's answer is currently due. To this end, I respectfully request leave to extend the Government's period to answer, move, or otherwise respond to plaintiff's complaint for sixty days, until August 29, 2008. Ms. Meyer consents to this request.

I thank the Court for its attention to this matter.

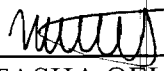
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Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



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cc: BY REGULAR MAIL

Jacqueline I. Meyer, Esq.
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SO ORDERED:



U.S.D.J.

for John E. Spizzo
USDJ